IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2632 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HIMADRI TEXTILE MILLS

Versus

DASHRATHLAL MANILAL

Appearance:

MR SI NANAVATI for Petitioner

MR KV GADHIA for Respondent No. 1

CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 19/01/2001

ORAL JUDGEMENT

#. Against the order made by the Presiding Officer, 5th Labour Court, Ahmedabad, the employer has filed this petition. Mr. Gadhia, learned advocate appearing for the respondent-workman stated that at the time of admission of the matter, the petitioner was directed to

deposit a sum of Rs. 20,000/- which the petitioner had deposited. It is also stated at the Bar that the workman has withdrawn the amount. The Company is closed since 1992 and is it not engaged in manufacturing activity. The matter pertaining to the company is pending before the BIFR. Learned advocate appearing for the respondent-workman fairly stated that with the matter of this petitioner, there were other petitions filed against the award made by the Labour Court, wherein it was fairly stated by the workman that whatever amount is received by the workmen will be satisfied with that. Learned advocate for the respondent submitted that there are no manufacturing activities and the matter is pending before the BIFR and therefore, the workman would not like to agitate the dispute at this juncture and the workman would be satisfied with the amount which he has received in 1989. Mr. Gadhiya also stated that earlier three petitions have been disposed of on the same ground. In view of this, the petition stands allowed accordingly. However, in case the order that may be passed after BIFR proceedings in favour of the workman then as per the order if the workman is entitled to get the benefit, he shall be given the same and the disposal of this petition will not come in his way. The petition is accordingly disposed of. Rule is made absolutely accordingly.

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